
Public Utilities Commission of the State of California

Public Agenda 3101

Thursday, November 21, 2002 10:00 a.m.

San Francisco, California

Commissioners

Loretta M. Lynch, President

Geoffrey F. Brown

Henry M. Duque

Michael R. Peevey

Carl W. Wood

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, December 02, 2002 (San Francisco)	Thursday, November 21, 2002 (San Francisco)
Thursday, December 12, 2002 (San Francisco)	Thursday, December 05, 2002 (San Francisco)
	Tuesday, December 17, 2002 (San Francisco)
	Thursday, January 16, 2003 (San Francisco)
	Thursday, January 30, 2003 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-26, CA-27, 2, Sub-Item 1

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

- | | |
|----------------------------|---|
| CA-1
1110 | Res TL-19015
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134726 |
| CA-2
1113 | Res ALJ-176-3101
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure. |
| CA-3
1157 | A02-05-057 - U.S. TelePacific Corp. (TelePacific) and SIPCO Limited (SIPCO).
This decision approves TelePacific and SIPCO's request for approval of the indirect transfer of control of TelePacific. This proceeding is closed.
(Comr Peevey - ALJ Grau)
<i>Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.</i>
(Agenda 3098, Item CA-17 10/24/2002 (Lynch); Agenda 3099, Item CA-10 11/7/2002 (Peevey))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134324 |

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- CA-4 1199** **R00-05-001 - Order Instituting Rulemaking into implementation of Senate Bill 669, regarding The Deaf and Disabled Telecommunications Program.**
This decision grants in part and denies in part the Deaf and Disabled Telecommunications Administrative Committee's (DDTPAC) Petition for Modification of D01-07-012 to allow per diem compensation to be paid to members of specific DDTPAC subcommittees. This proceeding is closed.
(Comr Duque - ALJ Thomas)
Pub. Util. Code § 311 – This item was mailed for Public Comment
Pub. Util Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
(Agenda 3099, Item CA-18 11/7/2002 (Staff))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135382
- CA-5 (Rev.) 1208** 11/20/2002 - Moved to item (H-12) on the agenda.
- CA-6 (Rev.) 1225** **Res W-4360 - Del Oro Water Company, Ferndale District (FD).**
This resolution authorizes FD an increase in rates producing an increase in annual revenues of \$1,095 or \$0.28% for test year 2002.
(Agenda 3098, Item CA-34 10/24/2002 (Staff); Agenda 3099, Item CA-20 11/7/2002 (Staff))
11/13/2002 - This revision was not shown on the Agenda mailed to the public.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135586
- CA-7 1226** **C00-05-039 - Boston Properties, Inc. vs. Pacific Gas and Electric Company (PG&E).**
This decision grants PG&E's motion to dismiss the complaint that alleged PG&E had failed to properly implement Public Utility Code Section 368(a) for its real-time pricing tariff. Held, no violation of statute. This proceeding is closed.
(Comr Brown - ALJ Kotz)
Pub. Util. Code § 311 – This item was mailed for Public Comment
Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135759
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**CA-8
1234****A01-02-024 - AT&T Communications of California, Inc., and WorldCom, Inc. (WorldCom).**

For the Commission to reexamine the recurring costs and prices of unbundled switching in its first annual review of unbundled network element costs pursuant to ordering paragraph 11 of D99-11-050. A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This decision finds that Pacific Bell Telephone Co. (Pacific) and WorldCom violated Commission Rule 7.c prohibiting ex parte communications during the "quiet time" surrounding a ratesetting deliberative meeting. The Commission assesses a fine of \$22,000 against Pacific and a fine of \$1,000 against WorldCom.

(Comr Wood - ALJ Duda)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133243

**CA-9
1108****A00-06-023 - Southern California Edison Company (SCE).**

Application regarding Year Six (1999-2000) under its experimental gas cost incentive mechanism and related gas supply matters. SCE seeks modification of D02-06-023 to alter the text of the decision and to eliminate two findings of fact. SCE has not met its burden of showing that the changes are necessary or are justified by the record. The petition is denied. This proceeding is closed.

(Comr Lynch - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3098, Item CA-11 10/24/2002 (Lynch); Agenda 3099, Item CA-3 11/7/2002 (Lynch))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135343

**CA-10
1239****C02-04-008 - William Stokes and Brian Jones vs. Pacific Gas and Electric Company (PG&E).**

William Stokes and Brian Jones filed this complaint against PG&E, alleging that PG&E is installing poles and overhead electric lines that will impact their views and present traffic problems for their neighborhood in Grass Valley, California. PG&E offered to install the lines underground if complainants and their neighbors would bear the cost, but complainants could not agree on an allocation of costs. Because the complaint alleges no violation of law, and because the overhead lines are being installed pursuant to PG&E's tariffs, the complaint is dismissed. This proceeding is closed.

(Comr Duque - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132998

**CA-11
1240****A01-07-004 - Pacific Gas and Electric Company.**

For a permit to construct the Atlantic-Del Mar Reinforcement Project pursuant to General Order 131-D. This decision changes the preliminary designation. Hearings are not needed.

(Comr Duque - ALJ Cooke)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133030

**CA-12
1256****R97-10-049 - Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.**

This decision alters a Conclusion of Law and an Ordering Paragraph of D00-07-018 to conform to discussion and record in proceeding. This proceeding is closed.

(Comr Duque - ALJ Bushey)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133327

**CA-13
1263****A00-06-051 - San Diego Gas & Electric Company (SDG&E).**

For approval of evaluative criteria for SDG&E's Distribution Performance-Based Ratemaking Mechanism. This proceeding is dismissed without prejudice and the proceeding is closed.

(Comr Wood - ALJ Minkin)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133633

**CA-14
1264****R02-02-020 - Rulemaking on the Commission's own motion to establish an appropriate error rate for connections made by an automatic dialing device pursuant to Section 2875.5 of the Public Utilities Code.**

This interim decision extends from January 1, 2003, to April 1, 2003, the effective date for changes in the acceptable error rate and other rules applicable to calls generated by predictive dialing telephone equipment. This extension will give the Commission additional time to consider comments by the parties following an industry workshop conducted by Telecommunications Division.

(Comr Brown - ALJ Walker)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133618

**CA-15
1270****Res SU-53 - Santa Clara Valley Transportation Authority (VTA).**

This resolution authorizes VTA a variance from General Order 95 (G.O. 95), Rule 37, Table 1, Case 3-C at West San Carlos Street near the West San Carlos overpass in San Jose and a variance from G.O. 95, Rule 74.4-E under the overpass. Under this resolution, VTA is permitted to lower the overhead trolley conductors to 14.34 ft. high at West San Carlos Street near the West San Carlos overpass and to 13.85 ft. high under the overpass.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=115303

**CA-16
1271****Res SU-54 - Santa Clara Valley Transportation Authority (VTA).**

This resolution authorizes VTA a variance from General Order 95 (GO-95), Rule 37, Table 1, Case 2-C and Rule 74.4-E at the east entrance to the Diridon Tunnel. Under this variance, VTA is permitted to lower the overhead trolley conductor to a height of 13.5 feet at an area immediately inside the east entrance to the Diridon Tunnel.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=115682

**CA-17
1276****A02-06-051 - Pacific Gas and Electric Company (PG&E).**

This decision denies the application of PG&E seeking to make permanent two Commission-approved pilot programs which allow a certain number of customers to own their own gas meters and gas meter add-on devices. The pilot programs have served a useful purpose as information gathering tools, but have failed to garner any meaningful customer interest or participation. Accordingly, the pilot programs should expire on December 31, 2002, as currently scheduled. This proceeding is closed.

(Comr Peevey - ALJ Carew)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135890

**CA-18
1280****A93-03-001 - Coast Shuttle, Inc., and Abader Inc.**

For the transfer of passenger stage authority pursuant to Section 851 through 854 of Public Utilities Code. This application is dismissed without prejudice. This proceeding is closed.

(Comr Duque - ALJ Henderson)

Pub. Util. Code § 311 – This item was mailed for Public Comment

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134002

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- CA-19
1281** **A96-06-033 - Southern California Edison Company (SCE).**
For a permit to construct electrical facilities with voltages between 50 kV and 200 kV. Because of the litigation between the parties that impacts this application, the Commission cannot proceed to a decision on the merits. Rather than letting the application remain open any longer, the Commission dismisses without prejudice to future refiling once the parties have resolved the litigation underlying this project. This proceeding is closed.
(Comr Brown - ALJ Cooke)
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134001
- CA-20
1282** **A97-05-022 - San Diego Gas & Electric Company (SDG&E).**
For authority to reduce rates effective January 1, 1998; authority to sell or assign transition property to one or more financing entities; authority to service rate reduction bonds on behalf of financing entities; authority to establish charges sufficient to recover fixed transition amounts; and such further authority necessary for SDG&E to carry out the transactions described in this application. This decision closes A97-05-022 because all pending issues raised in SDG&E's petition to modify D97-09-057 were considered in D00-06-034. This proceeding is closed.
(Comr Duque - ALJ Minkin)
Pub. Util. Code § 311 – This item was mailed for Public Comment
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133978
- CA-21
1295** **Res M-4807**
This resolution adopts level of Public Utilities Commission Utilities Reimbursement Account Fees for fiscal year 2002-03.
- CA-22
1311** **Res M-4805**
This resolution adopts level of Public Utilities Commission Transportation Rate Fund Fees for fiscal year 2002-03.
- CA-23
1312** **Res M-4806**
This resolution adopts level of Public Utilities Commission Transportation Reimbursement Account Fees for fiscal year 2002-03.
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- CA-24
1314** **Res SX-51 - Los Angeles to Pasadena Metro Blue Line Construction Authority (PBL).**
This resolution authorizes the PBL to modify the plans they had submitted with A00-11-016 and approved by D02-05-047 in regards to placement of fiber optic trains signs and lunar bar indicators for the street-running section of the Pasadena Gold Line along Marmion Way in City of Los Angeles, Los Angeles County.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132252
- CA-25
1315** **Res SX-52 - North San Diego County Transit District (NSDTD).**
This resolution grants an exemption from General Order 26-D/118 requirements for NSDTD to allow construction of four switch stands at less than minimum clearance and to provide walkways behind the switches at less than minimum dimensions. This exemption will permit installation of electric locks and switches at maximum distances from San Diego Northern Railroad's 90 mph Main Line 2 and will result in a safer work environment for trainmen at these locations than possible with alternative configurations that would technically comply with the General Orders.
(Exam Clark)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133781
- CA-26
1317** **(ECP) C02-04-045 - James Byrnes vs. Pacific Bell Telephone Company (Pacific Bell).**
Complainant seeks to have his local toll bill of \$585 changed to billing for local calls. Held: Relief granted. Defendant's policy of making it difficult to determine whether a call is local or local toll is unreasonable. This proceeding is closed.
(Comr Duque - ALJ Barnett)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135351
- CA-27
1319** **(ECP) C02-08-001 - Julio and Carole Dominguez (Complainants) vs. Pacific Gas and Electric Company (PG&E).**
This decision denies the Complainants request that PG&E cover the cost of relocating their gas meter. However, the request should be treated as an application for new service rather than a relocation of an existing service, so that Complainants can take advantage of line extension allowances to reduce their cost. This proceeding is closed.
(Comr Brown - ALJ Patrick)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133783

**CA-28
1320****A99-12-025 - Valencia Water Company (Valencia).**

Application of Valencia seeking approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999. This decision awards Sierra Club \$29,565.96 in compensation for its contribution to D01-11-048 granting Valencia permission to expand its service area. This proceeding is closed.

(Comr Brown - ALJ Patrick)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=129598

**CA-29
1321****A01-12-024 - Riverside County Transportation Commission (RCTC).**

For authority to construct a pedestrian overpass at railroad milepost 24.0 and a pedestrian emergency grade crossing at railroad milepost 24.08 of the BNSF Railroad Co. San Bernardino Subdivision main line as part of the construction of a new station in the City of Corona, County of Riverside. This decision grants request of authority to use the pedestrian emergency grade crossing during the period of time for construction of pedestrian overpass. Such use is required for construction of the pedestrian overpass. This proceeding is closed.

(Exam Clark)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132124

**CA-30
1322****A01-08-016 - City of Placentia (Applicant).**

For approval of the installation of quad gates with pre signals and other crossing enhancements within Kellogg Drive, CPUC Crossing No. 2B-39.20 and Placentia Avenue, CPUC Crossing No. 2B-43.6, a distance of 4.4 miles. This decision grants the request of the Applicant to upgrade eight highway-rail at-grade crossings on Burlington Northern Santa Fe Railway Company's San Bernardino Subdivision, commonly known as Placentia Corridor, in cities of Anaheim, Placentia, and unincorporated areas of County of Orange. This proceeding is closed.

(Exam Clark)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133612

**CA-31
1324****Res T-16704 - Pacific Bell Telephone Company (Pac Bell).**

This resolution approves an Interconnection Agreement between Pac Bell and Accutel of Texas, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23221 filed September 5, 2002).

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134827

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- CA-32
1325** **Res T-16706 - Pacific Bell Telephone Company (Pac Bell).**
This resolution approves an Interconnection Agreement between Pac Bell and Competitive Communications, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23225 filed September 9, 2002).
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134830
- CA-33
1326** **Res W-4363 - Watertek, Inc., Indian Springs District (ISD).**
This resolution grants ISD a general rate increase producing additional annual revenue of \$34,930.00 or 50.1% in 2002.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134692
- CA-34
1327** **A02-08-012 - Preferred Carrier Services, Inc. (Applicant).**
This decision grants the Applicant a certificate of public convenience and necessity to offer limited facilities-based and resold CLEC services. This proceeding is closed.
(Comr Brown - ALJ Bemserfer)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
- CA-35
1328** **A02-06-033 - Del Oro Water Company (Del Oro).**
For authority to borrow approximately \$250,000.00 (and to issue evidence of indebtedness in connection therewith) in order to pay the costs of determining compliance with the California Environmental Quality Act of a proposed capital improvement project and for authority to recover all such costs by applying monthly surcharges to customers in its Lime Saddle, Paradise Pines and Magalia Districts in Butte County, California. This decision amends Ordering Paragraph 5 of D02-09-036 to allow Del Oro to enter into a loan agreement with a lender conditioned upon the Commissions's authorization of a surcharge. This proceeding is closed.
(Exam Jackson)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133272
- CA-36
1333** **C92-10-013 - Castle and King Rock and Ready Mix Inc. vs. Pacific Bell and AT&T.**
This decision dismisses upon complainant's request. Complaint has been inactive for several years. This proceeding is closed.
(Comr Brown - ALJ Weismehl)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134548
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- CA-37
1341** **A02-08-016 - DMR Communications, Inc. (Applicant).**
For a Certificate of Public Convenience and Necessity in order to provide competitive Local Exchange, Exchange Access and Non-Dominant Interexchange Services. Granted. This proceeding is closed.
(Comr Peevey - ALJ Bemederfer)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
- CA-38
1351** **A02-08-022 - The City and County of San Francisco (CCSF).**
This proceeding grants the request of CCSF to construct 13 at-grade crossings along 4th and 3rd Streets, in the City and County of San Francisco. This proceeding is closed.
(Exam Clark)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134993
- CA-39
1359** **A01-06-029 - Wild Goose Storage, Inc. (Wild Goose).**
For authority to amend its certificate of public convenience and necessity to expand and construct facilities for gas storage operation. This decision grants The Utility Reform Network \$13,634.96 for its substantial contribution to D02-07-036.
(Comr Lynch - ALJ Vieth)
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134601
- CA-40
1360** **I99-07-003 - Investigation on the Commission's own motion to consider the costs and benefits of various promising revisions to the regulatory and market structure governing California's natural gas industry and to report to the California legislature on the Commission's findings.**
This decision awards \$118,466.48 to The Utility Reform Network and \$11,514.85 to Aglet Consumer Alliance for their contributions to D01-12-018, in which the Commission adopted regulatory and market structure reforms for natural gas systems in southern California. This proceeding is closed.
(Comr Wood - ALJ Wong)
Pub. Util Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133169
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**CA-41
1247**

I01-04-027 - Investigation on the Commission's own motion into the performance obligations of qualifying facilities pursuant to contracts with California Public Utilities.

This decision finds that the Commission no longer needs to track or identify the performance obligation of qualifying facilities. Therefore, this investigation is terminated.

(Comr Wood - ALJ Barnett)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135900

**CA-42
(Rev.)
1356**

11/20/2002 - This item appeared as (E-5) on the agenda distributed to the public.

11/20/2002 - Moved to item (E-5) on the agenda.

Regular Agenda

Utility and Transportation Orders *Orders Held Over*

H-1 A00-12-026 - Pacific Gas and Electric Company (PG&E).

38 For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This decision grants PG&E authority to convert nine of the 13 license agreements into lease agreements. The remaining four agreements will be addressed in a future decision after further review of the agreements' compliance with Section 851 and the California Environmental Quality Act.

(Comr Lynch - ALJ Kenney)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3080, Item CA-9 1/23/2002; Agenda 3087, Item CA-9 5/2/2002; Agenda 3088, Item CA-28 5/16/2002; Agenda 3090, Item H-1 6/27/2002; Agenda 3091, Item H-2 7/17/2002; Agenda 3093, Item H-1 8/22/2002 (Duque); Agenda 3095, Item H-1 9/19/2002 (Lynch); Agenda 3096, Item H-1 10/3/2002 (Wood); Agenda 3099, Item H-1 11/7/2002 (Lynch))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135561

H-1a ALTERNATE TO ITEM 38

854 For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. The alternate decision concludes that the lease agreements are, in effect, licenses and therefore Public Utilities Code Section 851 is not applicable.

(Comr Duque)

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3091, Item H-2a 7/17/2002; Agenda 3093, Item H-1a 8/22/2002 (Duque); Agenda 3095, Item H-1a 9/19/2002 (Lynch); Agenda 3096, Item H-1a 10/3/2002 (Wood); Agenda 3099, Item H-1a 11/7/2002 (Lynch))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134933

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- H-2** **A98-02-017 - Pacific Bell (Pacific).**
714 For authority to categorize business inside wire repair, interexchange carrier directory assistance, operator assistance service and inmate call control service as Category III services. A98-04-048 - Related matters. This decision denies the Office of Ratepayer Advocates' petition for modification of D99-06-053 to recategorize Pacific's Residential Inside Wire Repair (RIWR) service option to Category II from Category III and to reset Pacific's RIWR wirepro ceiling rate to \$1.20 from \$2.99. These proceedings are closed.
(Comr Duque - ALJ Galvin)
Pub. Util. Code § 311 – This item was mailed for Public Comment
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3090, Item 7 6/27/2002; Agenda 3092, Item H-4 8/8/2002 (Wood); Agenda 3094, Item H-2 9/5/2002 (Wood); Agenda 3098, Item H-4 10/24/2002 (Lynch))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133745
- H-3** **R_____ - Order Instituting Rulemaking to implement the provisions of Public Utilities**
936 **Code § 761.3, enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.**
This proceeding is opened to implement Pub. Util. Code §761.3, which confirms the authority of the Commission to address electric generation facility issues. The purpose of this proceeding is to develop rules to (1) enforce California Independent System Operator outage scheduling protocols and (2) implement and enforce the generator operation and maintenance standards that will be adopted by the California Electric Generation Facilities Standards Committee, established by the statute.
(Comr Wood)
(Agenda 3092, Item 6 8/8/2002 (Wood); Agenda 3093, Item H-14 8/22/2002 (Wood); Agenda 3095, Item H-8 9/19/2002 (Staff); Agenda 3098, Item H-5 10/24/2002 (Peevey); Agenda 3099, Item H-3 11/7/2002 (Brown))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135917
- H-4** **I00-11-002 - Order Instituting Investigation into the adequacy of the Southern California**
967 **Gas Company's (SoCalGas) and San Diego Gas & Electric Company's (SDG&E) gas transmission systems to serve the present and future gas requirements of SDG&E's core and noncore customers.**
This decision adopts new rules and procedures for SDG&E and SoCalGas to prevent future gas curtailments. This proceeding is closed.
(Comr Wood - ALJ Brown)
Pub. Util. Code § 311 – This item was mailed for Public Comment
Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
(Agenda 3095, Item 2 9/19/2002 (Staff); Agenda 3096, Item H-5 10/3/2002 (Lynch); Agenda 3099, Item H-4 11/7/2002 (Lynch))
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134487
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- H-5
1057** **R01-12-009 - Order Instituting Rulemaking on the Commission's own motion to evaluate existing practices and policies for processing offset rate increases and balancing accounts in the water industry to decide whether new processes are needed.**
- In this interim decision applicable only to Class A water utilities, the Commission revises the existing procedures for recovery of under collections and over collections in balancing accounts existing prior to November 29, 2001.
- (Comr Brown - ALJ Econome)
- Pub. Util. Code § 311 – This item was mailed for Public Comment*
- Pub. Util Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*
- (Agenda 3099, Item 1 11/7/2002 (Lynch))
- http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135316
-
- H-5a
1363** **ALTERNATE TO ITEM 1057**
- This alternate revises existing procedures to limit balancing account recovery when a utility is earning in excess of its authorized rate of return.
- (Comr Lynch)
-
- H-6
1091** **A97-12-020 - Pacific Gas and Electric Company (PG&E).**
- For authority, among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, I95-02-015 - Related matters. In a petition for modification of D00-02-046, the Office of Ratepayer Advocates (ORA) requests that the Commission eliminate ratepayer contributions for PG&E's Diablo Canyon Power Plant nuclear decommissioning trust funds. This decision finds that ORA's petition raises factual issues that are currently being addressed in A02-03-020, PG&E's 2002 Nuclear Decommissioning Cost Triennial Proceeding. To avoid unnecessary duplication of litigation, ORA's petition is dismissed on procedural grounds.
- (Comr Wood - ALJ Wetzell)
- Pub. Util. Code § 311 – This item was mailed for Public Comment*
- Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- (Agenda 3098, Item CA-6 10/24/2002 (Lynch))
- http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135572
-
- H-7
1159** **R92-03-050 - Order Instituting Rulemaking on the Commission's own motion to consider the line extension rules of electric and gas utilities.**
- This decision rejects free inspections for projects undertaken by third-party contractors at ratepayer expense; and rejects proposed accounting changes for line extension costs. This proceeding is closed.
- (Comr Duque - ALJ Patrick)
- Pub. Util. Code § 311 – This item was mailed for Public Comment*
- (Agenda 3099, Item 2 11/7/2002 (Duque))
- http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134732
-

**H-8
1166****A01-09-024 - Southern California Gas Company (SoCalGas).**

A01-10-005 - Related matters. This decision grants SoCalGas' request for balancing account protection for noncore revenue risk effective January 1, 2003, until a decision issues in SoCalGas' Biennial Cost Allocation Proceeding.

(Comr Brown - ALJ Brown)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3099, Item CA-13 11/7/2002 (Duque))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132907

**H-9
1196****A01-03-008 - Pacific Gas & Electric Company (PG&E).**

This decision denies the Application of PG&E for approval of an irrevocable lease for Metromedia Fiber Network Services, Inc. (MFNS) to use and install fiber optic cable on PG&E's facilities. The Commission finds that PG&E has failed to meet its burden of establishing that the approval it seeks will not cause environmental impacts that require analysis under California Environmental Quality Act. Moreover, PG&E's application is part of a piecemeal approach MFNS has taken to acquiring approval and environmental review of its San Francisco Bay Area fiber optic project. Finally, PG&E has failed to identify with specificity the facilities affected. This proceeding is closed.

(Comr Lynch - ALJ Thomas)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3099, Item 3 11/7/2002 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=132984

**H-10
1257****R_____ - Order Instituting Rulemaking into the service quality standards for all telecommunications carriers and revisions to General Order 133-B.**

This rulemaking is opened to determine the service quality measurements and standards that should apply to all telecommunications carriers and to make revisions to existing measurements and standards as appropriate.

(Agenda 3098, Item 9 10/24/2002 (Brown); Agenda 3099, Item H-12 11/7/2002 (Duque))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133990

H-11 (Rev.) 1261 I _____ - Order Instituting Investigation into the gas market activities of Southern California Gas Company, San Diego Gas & Electric Company, Southwest Gas Corporation, Pacific Gas and Electric Company, Wild Goose Storage, Inc. , and Southern California Edison and their impact on the gas price spikes experienced at the California border from March 2000 through May 2001.

In this investigation, the Commission will examine the reasons for the increase in the price of natural gas at the California border from March 2000 through May 2001.

(Agenda 3098, Item 11 10/24/2002 (Lynch); Agenda 3099, Item H-14 11/7/2002 (Staff))
11/19/2002 - This revision was not shown on the Agenda mailed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135930

H-12 (Rev.) 1208 R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and D01-09-060.

This decision grants the petition to modify D02-03-055 filed by City of Corona to clarify that utility distribution companies should continue to process and execute new agreements with qualified energy service providers.

(Comr Brown, Comr Wood - ALJ Pulsifer)

Pub. Util. Code § 311 – This item was mailed for Public Comment

Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.

(Agenda 3099, Item CA-19 11/7/2002 (Lynch))

11/20/2002 - This item appeared as (CA-5) on the agenda distributed to the public.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=135339

Orders

- 1** **A01-03-036 - San Diego Gas & Electric Company (SDG&E).**
1272 This decision denies without prejudice SDG&E's application for a CPCN to construct the proposed Valley-Rainbow Project. The Energy Division is directed to cease preparation of the Draft Environmental Impact Report/Draft Environmental Impact Statement for the proposed Valley-Rainbow Project. This proceeding is closed.
 (Comr Duque - ALJ Cooke)
 Pub. Util. Code § 311 – This item was mailed for Public Comment
 Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133773
- 1a** **ALTERNATE TO ITEM 1272**
1274 The alternate decision finds that there is a reliability need in the SDG&E territory in the five year horizon. It keeps the proceeding open to consider whether to grant a transmission CPCN and to explore other alternatives to the proposed project developed in the Draft Environmental Impact Report/Draft Environmental Impact Statement.
 (Comr Duque)
 http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=133877
- 2** **I01-03-021 - Investigation on the Commission's own motion and Order to Show Cause into the**
1323 **operations, practices and conduct of Titan Telecommunications, Inc. (Titan), and Christopher Bucci, its President and owner.**
 This decision revokes Titan's certificate of public convenience and necessity (CPCN) and fines Titan \$17,500 after finding Titan violated Rule 1 by misleading the Commission in Titan's CPCN application. This decision further finds that Respondents are not liable for the restitution ordered against another company in D00-04-012, because the alter ego doctrine cannot be applied to respondents. The Consumer Protection and Safety Division's recommended changes to any future application for authority are adopted and the appeal is otherwise denied. Investigation 01-03-021 is closed.
 (Comr Brown - ALJ Grau)
 Pub. Util Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session
 Pub. Util Code §1701.1 -- This proceeding is categorized as Adjudicatory.

**3 (Rev.)
1361**

I _____ - Order Instituting Investigation on the Commission's own motion to review the compliance of San Diego Gas & Electric Company and Southern California Gas Company with the Commission's Affiliate Transaction Rules.

This investigation will review the activities of Sempra Energy and its subsidiaries and affiliates in regards to their relationship and interactions with the regulated utilities San Diego Gas & Electric Company and Southern California Gas Company to evaluate the utilities' compliance with the Commission's affiliate rules.

11/20/2002 - This revision was not shown on the Agenda mailed to the public.

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res G-3339 - Pacific Gas & Electric Company (PG&E).**

1152 PG&E seeks to recover in core rates the costs related to the utility's subscription to El Paso Natural Gas Company pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held by PG&E on Transwestern Pipeline. (Advice Letter (AL) 2401-G filed July 31, 2002, and AL 2405-G filed August 29, 2002.)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3098, Item E-4 10/24/2002 (Duque); Agenda 3099, Item E-4 11/7/2002 (Lynch))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134555

E-1a ALTERNATE TO ITEM 1152

1260 Pacific Gas and Electric Company (PG&E) seeks to recover in rates assessed core customers costs related to the subscription of turned back El Paso Natural Gas Company (El Paso) pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held on Transwestern Pipeline Company (Transwestern). PG&E is authorized to collect El Paso pipeline charges from all gas ratepayers, on an equal-cents-per-therm basis, pending the outcome of Phase II in Rulemaking R02-06-041. PG&E must continue to collect only the currently authorized portion of Transwestern costs.

(Comr Duque)

(Agenda 3098, Item E-4a 10/24/2002 (Duque); Agenda 3099, Item E-4a 11/7/2002 (Lynch))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134486

E-2 Res G-3337 - Southern California Gas Company (SoCalGas), Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (Edison).

1192

This resolution approves the requests of SoCalGas, PG&E, SDG&E, and Edison for authority to revise the tax factor applied to Contributions in Aid of Construction to reflect a recent change in the Internal Revenue Code, except for the requested effective date. The effective date of the revised tax factor shall be September 11, 2002. (SoCalGas Advice Letter 3154 filed May 22, 2002, PG&E Advice Letter 2387-G/2243-E filed May 22, 2002, SDG&E Advice Letter 1412-E/1315-G filed May 22, 2002, and Edison Advice Letter 1624-E filed May 22, 2002.)

Pub. Util. Code § 311 – This item was mailed for Public Comment

(Agenda 3099, Item E-5 11/7/2002 (Staff))

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=134470

**E-3
1278 Res E-3792 - Southern California Gas Company, Pacific Gas and Electric Company (PG&E),
San Diego Gas and Electric Company (SDG&E).**

Edison, PG&E, and SDG&E are directed pursuant to Public Utilities Code Section 399.8 to collect monies from customers to fund investments in energy efficiency, renewable energy, and research, development and demonstration projects as specified herein.

(Exam Clanon)

Pub. Util. Code § 311 – This item was mailed for Public Comment

**E-4
1332 Res E-3796 - Pacific Gas and Electric Company (PG&E).**

This resolution addresses PG&E's Advice Letter 2293-E submitted in compliance with Ordering Paragraphs 3 and 4 of D02-08-071 for reasonableness review of the utility's transitional procurement procedures and contracts not exceeding five years in term.

(By Advice Letter 2293-E filed October 22, 2002)

**E-5 (Rev.)
1356 Res E-3795 - Southern California Edison Company (Edison).**

This resolution approves Edison's request to amend its qualified and non-qualified Nuclear Decommissioning Trust Agreements to reflect the appointment of Mellon Bank, N.A. as the Trustee and to revise the Trustee Fee Schedule. (Advice Letter 1648-E filed September 6, 2002).

11/20/2002 - This item appeared as (E-5) on the agenda distributed to the public.

11/20/2002 - Moved to item (CA-42) on the agenda.

11/20/2002 - This item appeared as (CA-42) on the agenda distributed to the public.

**E-5 (Rev.)
1356 11/20/2002 - Moved to item (CA-42) on the agenda.**

Commissioner's Reports**CR-1 Commissioners' Reports.****1116** Miscellaneous Commissioners' reports.**CR-2 President Lynch Report****1309** Institution of investigation regarding the Commission's enforcement regarding misuse of state government property through use of inappropriate material and comparing the Commission's enforcement and standards to those of the Department of Justice and the Office of the Governor. (Agenda 3099, Item CR-2 11/7/2002 (Staff))**CR-3 Commissioner Wood Report****1364** Report regarding Ex Parte Communications restrictions on A00-10-045.

Management Reports and Resolutions

M-1 Management Reports

1215 Miscellaneous Management reports.

M-2 General Counsel's Report

1218 Consideration of Authority given (and to be given) to the General Counsel with respect to the California Department of Water Resources bond transaction, including, but not limited to, matters covered by the Summary of Material Terms.

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders Held Over

HEX-1 1144

C88-03-016 - Conference with Legal Counsel - Application for Rehearing.

Order disposing of application for rehearing of D01-06-034 filed by Napa Valley Wine Train, Inc. (Wine Train). D01-06-034 grants, in part, the City of St. Helena's petition for modification of prior decisions concerning the Wine Train. D01-06-034 concludes that the Wine Train's passenger excursion service does not constitute regulated transportation and that, in providing such service, the Wine Train is not functioning as a public utility.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session

(Agenda 3098, Item EX-5 10/24/2002 (Peevey); Agenda 3099, Item HEX-3 11/7/2002 (Lynch))

Orders**EX-1 Conference with Legal Counsel – Applications for Rehearing****1126**

Compilation of applications for rehearing recently filed with the Commission.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session***EX-2 Conference with Legal Counsel – Threatened Litigation****1130**

Significant exposure to litigation.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session***EX-3 Conference with Legal Counsel – Initiation of Litigation****1134**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session***EX-4 Personnel Matters****1353**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session***EX-5 A00-11-038 - Conference with Legal Counsel - Application for Rehearing.****1347**

A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D02-06-070, as modified by D02-07-007, filed by Southern California Edison Company and Pacific Gas and Electric Company.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session**Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.***EX-6 A00-11-038 - Conference with Legal Counsel – Application for Rehearing.****1352**

A00-11-056, A00-10-028 - Related matters. Disposition of Applications for Rehearing of D02-10-063 filed by Pacific Gas & Electric Company, The Utility Reform Network, and Southern California Edison Company. D02-10-063 adopted a methodology for setting charges to recover bond-related costs incurred by the Department of Water Resources.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session**Pub. Util Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Federal Items

Items Held Over

**HFEX-1
793**

Case No. 02CV 339 BTM (JAH) - Conference with Legal Counsel – Existing Litigation.

San Diego Gas & Electric Company v. Loretta Lynch, et al., U.S. District Court (S.D. Cal.), Case No. 02CV 339 BTM (JAH).

Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session

(Agenda 3090, Item FEX-4 6/27/2002; Agenda 3091, Item HFEX-1 7/17/2002; Agenda 3093, Item HFEX-1 8/22/2002 (Lynch); Agenda 3098, Item HFEX-1 10/24/2002 (Staff); Agenda 3100 Special Meeting, Item HFEX-1 11/7/2002 (Staff))

Items

- FEX-1
1354** **Conference with Legal Counsel - Initiation of Litigation.**
Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.
Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session
- FEX-2
1355** **Case No. 01 30923 DM - Conference with Legal Counsel - Existing Litigation**
Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
- FEX-3
1357** **Case No. 01-56879, DC. No. CV-00-12056-RSWL - Conference with Legal Counsel – Existing Litigation.**
Southern California Edison v. Lynch, et al., United States Court of Appeal for the Ninth Circuit, Case No. 01-56879, DC. No. CV-00-12056-RSWL.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
- FEX-4
1358** **Case No. C01-3023 VRW - Conference with Legal Counsel - Existing Litigation.**
Pacific Gas and Electric Company v. Lynch, et al., United States District Court for the Northern District of California, San Francisco Division, Case No. C01-3023 VRW.
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session
- FEX-5
1362** **FERC Docket No. EL02-60-000 - Conference with Legal Counsel – Existing Litigation.**
Case Name Unspecified (Disclosure of case name would jeopardize existing settlement negotiations.)
Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session